



NEW YORK
REGIONAL OFFICE

UNITED STATES
SECURITIES AND EXCHANGE COMMISSION
BROOKFIELD PLACE, 200 VESEY STREET, SUITE 400
NEW YORK, NY 10281-1022

April 15, 2021

By ECF

Hon. Denise L. Cote
United States District Judge
United States District Court
for the Southern District of New York
500 Pearl Street
New York, NY 10007

Re: SEC v. Silver, 21 Civ. 3179 (DLC) (S.D.N.Y.)

Dear Judge Cote:

Plaintiff Securities and Exchange Commission (the “Commission”), joined by defendant Martin Silver (“Silver”), respectfully seeks approval of the parties’ proposed consent judgment (the “Proposed Judgment”). The Commission filed the Proposed Judgment and Silver’s consent to its entry earlier today. (Dkt. No. 6.) If entered, the Proposed Judgment would implement the terms of a bifurcated settlement between the parties resolving the issue of Silver’s liability and leaving the amounts of monetary relief against Silver to be decided by the Court at a later date.

The Proposed Judgment is fair and reasonable and in the public interest. *See, e.g., SEC v. Citigroup Global Markets, Inc.*, 752 F.3d 285 (2d Cir. 2014) (setting out standard for reviewing proposed consent judgments in government enforcement actions). Among other things, the Proposed Judgment would (1) permanently enjoin Silver from committing further violations of the antifraud provisions of the federal securities laws the Commission’s Complaint alleges he violated; and (2) order Silver to pay disgorgement, prejudgment interest thereon, and a civil monetary penalty in amounts to be decided by the Court at a later date upon motion of the Commission. For purposes of the Commission’s later motion, the Proposed Judgment provides, among other things, that the Court “shall” accept and deem true the Complaint’s allegations and that Silver is precluded from arguing he did not violate the federal securities laws as alleged in the Complaint. Silver’s sentencing in his related criminal proceeding, *United States v. Silver*, 20 Cr. 360 (AKH) (S.D.N.Y.), is currently scheduled for November 16, 2021. The Commission anticipates that the parties will try to negotiate a resolution of the amount of monetary relief after Silver’s sentencing.

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If the Court approves the Proposed Judgment, the Commission respectfully requests that the Court docket the executed Judgment with the consent attached.

Respectfully submitted,

/s/ Philip A. Fortino

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Enclosures

cc: All counsel of record (by ECF)
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